



## U.S. DEPARTMENT of STATE

### Mauritius

#### Country Reports on Human Rights Practices - [2003](#)

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The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. In September, the Prime Minister, Sir Anerood Jugnauth, became Head of State while the Deputy Prime Minister, Paul Raymond Berenger, became Prime Minister. In accordance with a power sharing agreement negotiated during the 2000 electoral season between the two parties of the ruling coalition government, the Mauritian Socialist Movement (MSM) and the Militant Mauritian Movement (MMM), respectively. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in 2000, were free and fair and resulted in a victory for the opposition MSM and the MMM coalition. There were numerous political parties, and politics were open and vigorous. The judiciary was independent.

A paramilitary Special Mobile Force was responsible for internal security. The country does not have a military separate from the Police Forces. The Coast Guard, the Special Mobile Forces, and the Police Forces all report to the Commissioner of Police. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population was more than 1.2 million. The standard of living was high, with a per capita gross domestic product of \$3,900. The Government was diversifying the economy by promoting investment in the information technology, financial services, and tourism sectors.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government maintained control over the nation's television stations. At times police restricted freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the Export Processing Zone (EPZ). Forced child prostitution and child labor occurred.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Judicial inquiries into all six cases of deaths in police custody in 2002 and 2001 were pending at year's end.

The investigation into the 2001 beating to death of a man by prisoners and a prison guard was completed and submitted to the Office of the Director of Public Prosecutions (DPP) to determine whether to prosecute. There was no decision by year's end.

In June, the magistrate investigating the 1999 death in police custody of Kaya, a popular Creole singer, found that there was no foul play. However, some reports indicated that Kaya died of traumatic head injuries, which could not have been self-inflicted.

In October, Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) was released from prison after charges were dropped by the DPP. He and three others were charged with the 1996 killings of three rival Muslim political activists.

##### b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse was the use of force to coerce a suspect to sign a confession.

Unlike in the previous year, there were no reports that security forces raped women during the year.

During the year, the National Human Rights Commission (NHRC) received 161 human rights complaints. In addition, the Complaints Investigation Bureau, an office in the Police Department, received 186 complaints against police involving alleged brutality or use of force during the year.

Prison conditions generally met international standards. Food, water, and medical care were available to all prisoners, and sanitation was adequate.

On September 26 and 27, police officers injured 22 inmates of the Beau-Bassin prison when the Commissioner of Prisons ordered them in to enforce discipline. Prisoners had been protesting prison conditions over the previous 2 weeks. According to local press accounts, there was roughly a 24-hour delay in providing medical assistance for the injured. As a result, the Commissioner of Prisons was forced into early retirement.

Women were held separately from men, and juveniles were held separately from adults. Pre-trial detainees were held separately from convicted prisoners. HIV positive prisoners were held separately from the general prison population. The Government started a program to test all prisoners for HIV/AIDS; however, the program was not completed at year's end.

During the year, four persons died in custody, all reportedly from natural causes. The Government permitted prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits, and diplomatic observers visited a medium security prison.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Police Force is a national force headed by a Commissioner of Police. There is no military. All security forces including the Coast Guard, the Special Mobile Forces, and the Police Forces report to the Commissioner of Police. The Special Mobile Force is a paramilitary unit that is responsible for internal security, and is backed by a general duty police force. Both forces were largely apolitical, but criticized for being inadequately trained to prevent or control rioting, or to investigate violent crimes. During the year, the second in command of the Central Investigative Bureau was investigated by the Independent Commission Against Corruption for allegedly spending a weekend free of charge at a luxury hotel with his family. The investigation was ongoing at year's end.

The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, and the law also permits a 36-hour detention of suspects without legal counsel. During the year, there were two complaints to the Police, alleging delays in lawyer access to prisoners.

In most cases, suspects were provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access. In 2002, the Government passed the Prevention of Terrorism Act; however, there were no arrests under this act during the year.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants had the right to private or court-appointed counsel.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government did not use the measures. Libel suits between private parties were common.

Three independent, private radio stations operated during the year. Local radio news broadcasts were no longer banned.

Domestic television was government-owned and is regulated. A private news organization posted local news on the Internet, thereby circumventing the ban on private party television. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the police restricted this right. Police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. For example, prior to an international trade forum in January, the Police Commissioner denied an application for a protest demonstration. Upon appeal, a judge overturned the Commissioner's decision, and the demonstration occurred as planned. No other demonstrations were denied during the year.

Unlike in previous years, there were no reports that police dispersed unauthorized demonstrations during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-day Adventists, Hindus, and Muslims, receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of seven members) were registered by the Registrar of Associations and were recognized as legal entities with tax-free privileges. No groups were refused registration.

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted, but there were no violent confrontations during the year. Some minorities, particularly Creoles and Muslims, alleged that a glass ceiling existed within the upper echelons of the civil service, which prevents them from promotion to the higher levels of government.

For a more detailed discussion, see the 2003 [International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27739pf.htm).

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N.

Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provides protection against refoulement, but does not grant refugee or asylum status on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees. There were no individuals recognized as refugees during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. According to international and local observers, free and fair national elections were held in 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition.

In September, the President, Sir Anerood Jugnauth, who formerly served as Prime Minister, became Head of State while Paul Raymond Berenger, who formerly served as Deputy Prime Minister, became Prime Minister. In accordance with the Constitution, the President was nominated by the Prime Minister, and confirmed by the National Assembly. Prime Minister Berenger was elevated to his position as part of a power sharing agreement negotiated in 2000 between the two parties of the ruling coalition Government, the MSM and the MMM. The agreement is that the leader of the MSM would lead the Government for the first 3 years of the 5-year term, after which the head of the MMM would take over as Prime Minister and the MSM leader would transition to the Presidency. This transition occurred on schedule in September and October, making Berenger the first Christian, non-Indian-descent Head of Government since independence.

Suffrage was universal except for approximately 100 fishermen on 6- to 12-month contracts who were residents of the island of Saint Brandon. These fishermen may vote on the main island provided they were registered and physically present on election day.

In September 2002, the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the Assembly was a first step towards a decentralized and autonomous island of Rodrigues. The Assembly worked with the central Government in controlling funds for Rodrigues.

There were 4 women in the 70-seat National Assembly, and there was 1 female minister in the 25-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings--Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, "general population" was the category used to describe primarily the Creole and Franco-Mauritian communities. Based on these four categories, there were 37 Hindus, 21 members of the general population, 11 Muslims, and 1 Sino-Mauritian in the 70-seat National Assembly, and there were 16 Hindus, 5 from the general population, 3 Muslims, and 1 Sino-Mauritian in the 25-member Cabinet.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The NHRC investigated complaints of human rights abuses and was composed of a president, who must be a former Supreme Court judge, and three other members, one of whom must be a lawyer or a judge with 10 years of experience, and the remaining two must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and to assess and make recommendations on conditions. The NHRC first tries to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. During the year, the NHRC received 161 complaints of human rights abuses.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally enforced these provisions.

#### Women

Domestic violence against women, particularly spousal abuse, was a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGOs). The law criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In 2001, the NGO SOS Femmes published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of

physical abuse.

Alcohol or drugs was a contributing factor in nearly 70 percent of these domestic violence cases. According to the Ministry of Women's Rights, Child Development, and Family Welfare, between January and July, there were 69 reported cases of domestic violence against women. Nevertheless, many victims still chose not to prosecute or report their attacker, primarily due to cultural pressures.

Many women remained in abusive situations for fear of losing financial spousal support. A magistrate can order a spouse to pay child support, but there are reports that some spouses stopped working to avoid payment. The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Although specific laws make rape illegal including spousal rape, it was a problem.

Prostitution is illegal; however, there were reports of prostitution during the year.

Traditionally women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

The National Remuneration Board (NRB) changed minimum salaries to reflect more clearly gender equality in some industries. According to the Sex and Discrimination Act, enacted in March, women are afforded broadly defined wage protections. The law states "no employer shall discriminate against a person on the ground of that person's sex in terms of the conditions on which employment is offered," and this law was generally respected in practice.

In the agricultural sector, women are protected by law from being forced to carry loads above certain weight limits; however, remuneration is determined by the amount that one is able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried less.

#### Children

The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is tuition free and compulsory until the age of 12. Books are free for primary school, but not for secondary school. Those parents that cannot afford books could apply to the Government for an exemption and receive books free of charge. Attendance at the primary level was 100 percent, but only 64 percent at the secondary level. In 2001, the Government launched an education reform plan to increase mandatory education to the age of 16 by year's end. The plan eliminated the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. During the year, the Government began building new schools and converting some schools, including private schools, into a regional network of secondary schools to accommodate the increase in secondary school students. In January, seven new secondary schools opened and three more secondary schools were constructed.

The Government provided full medical care for children.

Although incidents of child abuse were reported, private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. The state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, certain acts compromising the health, security, or morality of a child were crimes.

Child prostitution was a problem. A 1998 study reported that children entered into prostitution as early as age 13. Their clientele reportedly included industrialists, professionals, police officers, parliamentarians, and government ministers. The Government targeted child prostitution as a top law enforcement and prevention priority, and in 2002, the Government implemented a 5-year action plan with a series of recommendations to combat child prostitution. The plan was published in January. The Ministry of Women, Child Development, and Family Welfare ran a hot line for reporting cases of child prostitution, and only one case was reported in 2002. Some NGOs formed regional awareness networks and developed training materials for educators. The results of a task force on prostitution's quantitative study on the magnitude of child prostitution in the country had not been released by year's end.

Child prostitution is a criminal act, whereby the adult was considered the offender, while the child involved was given social assistance. Child pornography also is a crime, and the child was offered social aid while the adult offender was prosecuted.

#### Persons with Disabilities

There was no discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities. The law requires organizations that employed more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities; however, the law was not always enforced. The law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs. There was no law mandating access to public buildings or facilities.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 351 unions represented 103,400 workers. Many unions were small, having fewer than 1,000 members, and 10 major labor federations served as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in government services who were not public officers such as contractors, workers were free to form and join unions and to organize in all sectors, including in the EPZ. Labor unions were independent of the Government, and they established ties to domestic political parties and addressed political issues.

The Industrial Relations Act (IRA) prohibits anti-union discrimination, and there were no reports of anti-union activity by employers during the year. There was an arbitration tribunal to handle such complaints. The International Confederation of Free Trade Unions (ICFTU) reported that the law did not protect trade unions adequately against acts of interference by employers. The Mauritian Labor Congress (MLC) asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers.

Under the law, unions may establish ties with international labor bodies, and some unions have done so. For example, the MLC was affiliated with the ICFTU.

### b. The Right to Organize and Bargain Collectively

The law protects the right of employees to bargain collectively with their employers. The NRB, whose chairman was appointed by the Minister of Labor, set minimum wages for nonmanagerial level workers. Most unions negotiated wages higher than those set by the NRB. Almost 13 percent of the labor force worked for national or local government.

Unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal or to the Industrial Relations Commission, then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. According to the Ministry of Labor, there were 41 strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

Reportedly 85,700 persons worked in the EPZ. Although only 10 percent of EPZ workers were unionized, national labor laws covered these workers. There are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The ICFTU alleged that employers established employer-controlled work councils for workers in the EPZ effectively blocking union efforts to organize at the enterprise level. The 2000 ICFTU report stated that there was very little collective bargaining in the EPZ and that the NRB determined wages after submissions by employers and workers' representatives, effectively hindering the collective bargaining process.

### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor outside the EPZ, including by children, and there were no reports that such practices occurred. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage.

According to the International Labor Organization's Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline, such as by seamen, were punishable by imprisonment.

### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respected this law in practice, however, child labor was a problem. According to the law, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

Children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the 6 year of primary education.

The Ministry of Labor was responsible for the enforcement of child labor laws and conducted frequent inspections. The Ministry of Labor was responsible for investigating reports of child labor abuses. Thirty inspectors were employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During the year, the inspectors reported 19 cases of child labor.

#### e. Acceptable Conditions of Work

The Government administratively established minimum wages, which varied according to the sector of employment, and mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was \$61.57 (1,847 rupees) per month, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$83.71 (2,507 rupees) per month. These wages did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. During the year, the NRB adjusted minimum salaries for women (see Section 5). The standard legal workweek in the industrial sector was 45 hours. According to the MLC, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law. Inspections were announced and unannounced. The small number of inspectors limited the Government's enforcement ability; however, through voluntary compliance by the employers the number of occupational accidents was reduced. The Ministry of Labor reported a general trend downward in the number of industrial accidents over the past 10 years. Company human resource or personnel managers reported on occupational health and safety matters. From July 2002 to June, 3,627 accidents were reported. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. Illegal foreign workers, when identified, were deported.

#### f. Trafficking in Persons

The law prohibits trafficking in children, but does not specifically mention trafficking in adults; however, there were no reports of trafficking in persons in the country during the year.

Commercial sexual exploitation of children was a problem (see Section 5).